

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARSHA PLAFKIN,

Plaintiff,

v.

KAREN JONEKRIJG MIEDEMA,

Defendant.

Case No. 1:20-cv-907

Hon. Paul L. Maloney

ORDER DENYING *IN FORMA PAUPERIS* STATUS

This matter is now before the Court on *pro se* plaintiff's two applications to proceed *in forma pauperis* (ECF Nos. 2 and 6). The filing fee for a civil action is \$400.00. The Court should only grant leave to proceed *in forma pauperis* when it reasonably appears that paying the cost of this filing fee would impose an undue financial hardship. *See Prows v. Kastner*, 842 F.2d 138, 140 (5th Cir. 1988). Based on plaintiff's filings, the Court's \$400.00 filing fee would not impose such a hardship.

While plaintiff is self-employed, she lists no income from employment. See ECF No. 2 ("First Application") and ECF No. 6 ("Second Application"). Plaintiff claims other monthly income of \$500.00 from the interest in her investment portfolio which contains about \$225,000.00, consisting of a Vanguard Account (\$53,257.82) and Marcus/Goldman CDS (\$173,274.01). Second Application. Plaintiff also has a Huntington Savings Account (\$23,123.07), which appears to be the amount identified as the amount held in "cash or in a checking or savings account." *Id.* Plaintiff's \$21.67 at CIT Bank rounds out her liquid assets. *Id.* Plaintiff owns a condominium

worth \$75,000.00 with no mortgage. Second Application. She owns a car worth \$2,500.00 and a number of other assets which appear to heirlooms or personal items: father's piano (\$3,000.00); father's boat (\$2,000.00); mother's mink (\$6,500.00); "Design Match Plates" (\$7,000.00); grandmother's watch (\$2,500.00); mother's wedding ring (unknown value); and, personal artwork (unknown value). *Id.* Plaintiff also lists a bike (\$300.00). First Application.

The First Application lists monthly expenses of \$624.00 with an additional annual expense of \$300.00 to store her boat. The Second Application lists monthly expenses of \$707.00 and omits the annual boat storage expense. Plaintiff subsidizes her expenses by using a "SNAP like food pantry." Second Application. Plaintiff's debts include a Social Security repayment of \$8,800.00, an "illegal lien" in favor of Kenneth Doss of \$3,200.00, and student loan debt of \$204,000.00. *Id.* Plaintiff's applications do not include corresponding monthly payments for the three debts.

Based on this record, plaintiff has substantial cash on hand and other assets to pay the Court's \$400.00 filing fee. Plaintiff has failed to establish that paying the cost of the filing fee would impose an undue financial hardship. Accordingly, plaintiff's applications for leave to proceed *in forma pauperis* (ECF Nos. 2 and 6) are **DENIED**. Plaintiff must submit the \$400.00 filing fee within **28 days** of the date of this order, or this action will be dismissed.

IT IS SO ORDERED.

Date: September 30, 2020

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge